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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,523	02/17/2004	Thomas V. Prendergast	2003P04401 US01	1349

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Alexander J. Burke  
Intellectual Property Department  
5th Floor  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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SEREBOFF, NEAL

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/780,523

Applicant(s)

PRENDERGAST, THOMAS V.

Examiner

Neal R. Sereboff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 2/17/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Notice to Applicant*

1. Claims 1 – 20 are pending and the Information Disclosure Statement (PTO-1449) submitted on 2/17/2004 has been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Provost et al., U.S. Patent Number 7,263,493.
4. As per claim 1, Provost teaches a system for processing partial claim data related to provision of healthcare to a patient, comprising:
  - An interface processor for receiving data representing a partial claim for reimbursement for services provided to a patient (figure 5, client side);
  - A pre-processor for processing said data representing said partial claim to identify deficiencies in said partial claim, said processing including:
    - Applying rules to said data representing said partial claim to identify errors in said partial claim (column 11, lines 55 – 61), and
    - Determining a subset of said errors attributable to at least one of,

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- (a) An invalid data item (column 11, lines 21 – 44 where the treatment codes and diagnostic codes are matched to procedures to determine if there are invalid entries) and
- (b) An incomplete data item, in said partial claim representative data; and
- A result processor, for initiating generation of an alert message identifying said subset of said errors to a user (column 12, lines 25 – 45 where the claim is returned with notification).

5. As per claim 2, Provost teaches the system of claim 1 as described above. Provost further teaches the system wherein said pre-processor determines said subset of said errors by at least one of,

- (a) Determining a data item necessary for claim submission and determinable from said partial claim representative data is missing (column 11, lines 55 – 61 where the information that was not included was therefore missing) and
- (b) A data item field contains an entry when it should be blank.

6. As per claim 3, Provost teaches the system of claim 1 as described above. Provost further teaches the system wherein said pre-processor determines said subset of said errors using predetermined data conditions and by determining data conditions that are not satisfied by at least one of,

- (a) An individual data and
- (b) Multiple data items, in said partial claim (column 12, lines 3 – 24 where the data items are checked against each other for accuracy).

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7. As per claim 4, Provost teaches the system of claim 1 as described above. Provost further teaches the system wherein said rules are rules used to process data representing completed claims (column 12, lines 3 – 24 where the claims are checked after being submitted and are therefore completed).

8. As per claim 5, Provost teaches a system for processing partial claim data related to provision of healthcare to a patient, comprising:

- A claim data collator for receiving and collating data related to a partial claim for a particular patient, said partial claim data being received from a data collection system (figure 5, client side);
- A source of rules for use in processing collated claim data of a partial claim (column 11, lines 21 – 44 where the MDR database contains rules);
- A pre-processor for submitting said collated claim data of said partial claim for processing using said rules to identify deficiencies in said collated claim data of said partial claim (column 11, lines 21 – 44 where the treatment codes and diagnostic codes are matched to procedures to determine if there are invalid entries); and
- A result processor, for initiating generation of an alert message identifying said deficiencies to a user of said data collection system and enabling said user to potentially correct said deficiencies (column 12, lines 25 – 45 where the claim is returned with notification).

9. As per claim 6, Provost teaches the system of claim 5 as described above. Provost further teaches the system wherein said pre-processor determines whether said collated claim data of

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said partial claim is in condition for processing to initiate generation of a payment in response to completion of said partial claim (column 12, line 46 through column 13, line 5).

10. As per claim 7, Provost teaches the system of claim 5 as described above. Provost further teaches the system wherein said system automatically processes said partial claim data and initiates generation of said alert message identifying said deficiencies to said user during user collection of information from a patient using said data collection system enabling a user to correct said deficiencies before a collection session terminates (column 12, lines 25 – 67 where the claim is returned with notification and the clerk may re-enter the data).

11. As per claim 8, Provost teaches the system of claim 5 as described above. Provost further teaches the system wherein said system automatically processes said partial claim data and initiates generation of said alert message substantially in real-time (column 12, lines 25 – 45).

12. As per claim 9, Provost teaches the system of claim 5 as described above. Provost further teaches the system wherein said pre-processor identifies at least one of,

(a) Blank data items (column 11, lines 55 – 61 where the information that was not included was therefore blank or empty) and

(b) Valued data items, present in said partial claim.

13. As per claim 10, Provost teaches the system of claim 5 as described above. Provost further teaches the system wherein said pre-processor determines a subset of said rules in said rules source relevant to said partial claim and processes said collated claim data of said partial claim using said subset of rules to identify deficiencies in said collated claim data of said partial claim (column 12, lines 25 – 45).

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14. As per claim 11, Provost teaches the system of claim 10 as described above. Provost further teaches the system wherein said pre-processor determines a subset of said rules in said rules source relevant to said partial claim based on at least one of,

- (a) Identified valued data items present in said partial claim (column 11, line 21 through column 12, line 45 where the claim codes are included and the subsets are different validation routines) and
- (b) A map linking rules of said rules source with particular items of claim data.

15. As per claim 12, Provost teaches the system of claim 11 as described above. Provost further teaches the system further comprising a maintenance user interface, the maintenance user interface permitting a user of the system to monitor and modify rules employed by the claim preprocessor (column 16, lines 28 – 43 where the user ID/ Password access allows different usage levels).

16. As per claim 13, Provost teaches the system of claim 12 as described above. Provost further teaches the system wherein the map is a dedicated database appropriate for use during specified interactions with a provider of claim data (column 11, lines 21 – 44 where the map is the MDR database).

17. As for claim 14, Provost teaches a system for verifying partial claim data, comprising:

- A first map respectively associating partial claim data items with a set of verification rules (column 11, lines 21 – 44 where the map is the MDR database);
- An interface processor for receiving a set of partial claim data (figure 5, client side); and
- A claims processor, responsive to the received set of partial claim data and the first map, for applying the associated verification rules to the received set of partial claim data

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(column 11, lines 21 – 44 where the treatment codes and diagnostic codes are matched to procedures to determine if there are invalid entries).

18. As per claim 15, Provost teaches the system of claim 14 as described above. Provost further teaches the system further comprising a second map for identifying data present in the set of partial claim data that is available for the application of any verification rule (column 14, lines 5 – 23 where the system processes the data, and if ok then forwards to the payment entity for additional rules).

19. As per claim 16, Provost teaches the system of claim 15 as described above. Provost further teaches the system wherein the second map identifies data present in the set of partial claim data that is available for validating other data items (column 14, lines 5 – 23 where the second rule set determines reimbursement amounts).

20. As per claim 17, Provost teaches the system of claim 16 as described above. Provost further teaches the system further comprising a rules list creator, for creating a list of rules to be applied by the claims processor to the received set of partial claim data (column 7, lines 37 – 48 where the server allows database access and maintenance).

21. As per claim 18, Provost teaches a method for enabling a provider of reimbursable services to automatically identify invalid data present in partial claim data sets needed to complete a claim for reimbursement submitted to a payer, comprising the steps of:

- Receiving partial claim data pertaining to provision of reimbursable services to an individual (column 10, lines 4 – 65);
- Creating a map containing data that associates:
  - (a) Respective data items present within the received partial claim data; and



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(b) A set of one or more payer specified reimbursement rules (column 10, line 66 through column 11, line 54); and

- Conditioning a claims processor to apply to the received partial claim data the associated payer specified reimbursement rules as specified by the map and to identify data not complying with the applied rules as invalid (column 11, lines 21 – 44 where the treatment codes and diagnostic codes are matched to procedures to determine if there are invalid entries).

22. As per claim 19, Provost teaches the method of claim 18 as described above. Provost further teaches the method comprising the steps of:

- Creating a list of invalid data identified as a result of applying payer specified rules to the received partial claim data (column 12, lines 25 – 45 where the claim is returned with notification);
- Forwarding the list to a user designated by a provider of the reimbursable service (column 12, lines 25 – 45 where the claim is returned); and
- Prompting the user to correct an error causing the partial claim data to be identified as invalid without significant delay (column 12, lines 25 – 45 where the technician is notified of the mistakes).

23. As per claim 20, Provost teaches the method of claim 19 as described above. Provost further teaches the method comprising the step of automatically transmitting to the payer valid data needed to complete the claim when sets of partial data have been inspected and no data remains identified as invalid (column 13, lines 6 – 18).

### *Conclusion*

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NRS/  
10/12/2007

  
JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600